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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,809	02/22/2002	Heiko Gerber	449122024100	5543
7590	04/21/2005		EXAMINER	
Kevin R. Spivak Morrison & Foerster LLP Suite 5500 2000 Pennsylvania Avenue, N.W. Washington, DC 20006-1888			TIEU, BENNY QUOC	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 04/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/079,809	GERBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benny Q. Tieu	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 22 February 2002.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)                            4) Interview Summary (PTO-413)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                            Paper No(s)/Mail Date. \_\_\_\_\_.  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_                                    5) Notice of Informal Patent Application (PTO-152)  
     6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Pirot et al. (U.S. Patent No. 6,856,676).

Regarding claim 1, Pirot et al. teach a method for implementation of requirements of telecommunications subscribers for services provided by a communications network, comprising:

abstracting and classifying the requirements into a corresponding number of classes (column 7, line 59 through column 8, line 35);

subdividing the individual classes into at least one subclass (column 9, lines 25-49); and

uniquely associating a subclass with at least one technical functional unit configured for coupling to one another in a corresponding manner (column 9, lines 50-65).

Regarding claim 2, Pirot et al. further teach the method comprising: executing at least one test run of the at least one technical functional unit which has been correspondingly associated (column 7, lines 23-40).

Regarding claim 3, Pirot et al. further teach the method wherein abstracting, classifying, subdividing and uniquely associating are verified by one or more simulation runs (column 10, lines 15-19).

Regarding claim 4, Pirot et al. teach a system for implementation of requirements of telecommunication subscribers for services provided by a communications network, comprising:

a first catalog of classes, in which each requirement can be associated with one class (column 3, lines 16-21); and

a second catalog of technical functional units, in which each class is associated with one or more specific technical functional units (column 3, lines 22-35).

Regarding claim 5, Pirot et al. further teach the system wherein the classes are each subdivided into one or more subclasses and each of the subclasses are associated with one or more specific technical functional units (column 3, line 36 through column 4, line 44).

Regarding claims 6-10, see column 6, lines 5-45.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parsons (U.S. Patent No. 4,486,853) teaches an apparatus for receiving and displaying continuously updated data. Chomet (U.S. Patent No. 4,645,873) teaches a transactional telecommunication system. Willis et al. (U.S. Patent No. 4,745,559) teach a method and system for dynamically controlling the content of a local receiver data base from a transmitted data base in an information retrieval communication network. Eldering et al. (U.S. Patent No. 6,457,010) teach a client-server based subscriber characterization system.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

220 South 20<sup>th</sup> Street

Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Benny Q. Tieu*  
**BENNY TIEU**  
**PRIMARY EXAMINER**

Art Unit 2642  
April 16, 2005